(3)

Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Cr.M.P.No. 181 / 2006

Petitioner : Lochan Prasad Choudhary
Aged about 56 years,
S/o Mahesh Ram,
R/o Banasiya,
P.S. – Kotra Road, Raigarh,
Dist : Raigarh-(C.G.)

5706/06
24/11/06
Shravan Agrawal
24/11/06

Versus

Respondent : State of Chhattisgarh,
Through- District Magistrate
Raigarh-(C.G.).

PETITION U/S 482 OF CODE OF CRIMINAL PROCEDURE

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XI-HC-78

(78)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Cri.M.P./181/... **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21.02.2007

Shri Shrawan Agrawal, Counsel for the petitioner.

Shri G.K.Beriwal, Dy. Advocate General for the State on advance copy.

Heard on admission.

This petition is directed against the order dated 13.7.2006, passed by the Second Additional Sessions Judge, Raigarh Camp Court-Sarangarh in Criminal Revision No.44/2005. The aforesaid criminal revision was filed against the order dated 24.1.2005, passed by the Judicial Magistrate First Class- Sarangarh in Criminal Case No.584/2004, by which, a charge under Section 409 read with Section 34 IPC has been framed against the present petitioner and 3 other co-accused persons. The petitioner has filed the aforesaid criminal revision, on which, the order of framing of charge by the Magistrate, was confirmed by the Sessions Court.

Learned counsel for the petitioner argues that there is no prima facie material against the petitioner to frame charge under Section 409 read with Section 34 IPC. He reads the copy of written report.

A perusal of the order passed by the Magistrate would show that a misappropriation of Rs.7,87,159.55 was discovered by the concerned authorities on an inquiry being made by them and during the period, in which, the misappropriation was done, the present petitioner was working as the Branch Manger of Baramkela Branch, under which, the aforesaid Samitis are

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(79)

मामला क्रमांक Cr.M.P.181 **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

situated. Since the aforesaid Branch was the financial institution for the said Samitis and the jurisdiction of the Branch was to supervise the works of the Samitis so as to secure the finance given to it, this petitioner has also been held responsible in the inquiry and ultimately, a criminal case was filed, in which, the charge was framed by the Magistrate on the above material filed along with the charge Sheet.

I do not find any illegality in the view taken by the Magistrate as well as by the Sessions Judge, by which, the charge under Section 409 read with Section 34 IPC has been framed against this petitioner by the Magistrate and confirmed by the Sessions Court. The charge is based on prima facie material available on record. There is no merit in this revision and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

Sunita

P.T.O.